



Order under Section 21.2 of the Statutory Powers Procedure Act and the Residential Tenancies Act, 2006

Citation: Fiorilli v Logan, 2026 ONLTB 41373

Date: 2026-05-22

File Number: LTB-L-107076-25-RV2

In the matter of: 669 SEVILLA PARK PL
LONDON ON N5Y4H9

Between: Michele (Mike) Fiorilli Landlord

And

Jessica Logan Tenant

And

Shaun Dosman Potential
Party

Review Order

Michele (Mike) Fiorilli (the 'Landlord') applied for an order to terminate the tenancy and evict Jessica Logan (the 'Tenant') because:

- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the Landlord or another tenant.
- the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex has willfully or negligently caused damage to the premises.

The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

The Landlord also applied for an order requiring the Tenant to pay the Landlord's reasonable out-of-pocket costs the Landlord has incurred or will incur to repair or replace undue damage to property. The damage was caused wilfully or negligently by the Tenant, another occupant of the rental unit or someone the Tenant permitted in the residential complex.

This application was resolved by order LTB-L-107076-25 issued on May 6, 2026.

On May 15, 2026 the Tenant requested a review of order LTB-L-107076-25 and this request to review was denied pursuant to LTB-L-107076-25-RV, issued on May 15, 2025.

On May 21, 2026, the Potential Party, Shaun Dosman, requested a review of order LTB-L-107076-25.

A preliminary review of the review request was completed without a hearing.

Determinations:

1. The Potential Party submits they were not reasonably able to participate in the hearing and that there is a serious error in the order.
2. The Potential Party states they are an occupant of the rental unit, and the order makes findings in relation to the Potential Party, their belongings, and their actions. On review, the order does not appear to make any findings specifically related to the Potential Party. However, the order does specify that the rental unit must be decluttered. Given the Potential Party's submissions that they are an occupant of the rental unit, I accept that this may involve the Potential Party having to relocate their property, and that therefore they are directly affected by the order. Pursuant to Rule 26.3, the Potential Party therefore has standing to file a request for review for consideration.
3. However, the Potential Party having standing to file a request for review does not provide them with the same standing as the Tenant in relation to this application. While the Board will generally hear from occupants for considerations under section 83 of the *Residential Tenancies Act*, 2006 (the "Act") if they are present at a hearing, or will hear of their circumstances if they are otherwise presented, they are not parties to the application. There was no obligation for the LTB to provide the Potential Party with a notice of hearing, nor is there a requirement that as a non-party they be reasonably able to participate in the hearing.
4. The Potential Party submits that they could not reasonably participate in the hearing as they were incarcerated and this resulted in errors in the order on the basis that they were not present to give further evidence in the proceedings. If the Potential Party's testimony was required, and the Potential Party was unavailable on the date of the hearing, it would have been up to the Tenant to request an adjournment on that basis. The Potential Party's submissions as to any errors do not go to the relief granted by the order under section 83 of the Act, but instead attack the factual findings in the order.
5. Absent a serious error, a review is not an opportunity to reargue your case in hopes of a more favourable outcome. Nor is it an opportunity to present evidence and submissions that could and should have been presented at the original hearing. It was not a serious error for the Vice Chair not to consider evidence that was not presented at the hearing. To the extent that the potential party makes submissions that there was a serious error in the order based on the evidence that was presented at the hearing, the Tenant has already filed a review on these grounds, and the review was already denied by order LTB-L-107076-RV. I find it would be inappropriate to reconsider a review request on these same grounds.

6. I find that as the Potential Party is an occupant only, they had no free-standing right to reasonable participation or notice of the hearing, and on this basis they were not denied procedural fairness.
7. I note that even if I had found otherwise, that the Potential Party provides no details, such as the length of their incarceration, any efforts made to attempt to attend the hearing by telephone or video-conference from jail, or corroborating documentation in regard to their incarceration. This bald statement without those details or corroboration would in any event be insufficient to meet the standard under LTB Rule 26.8(e) of providing sufficient information to support a preliminary finding that the Potential Party was not reasonably able to participate in the hearing. The review request would have also been denied on this basis.
8. On the basis of the submissions made in the request, I am not satisfied that there is a serious error in the order or that the Potential Party was not reasonably able to participate in the proceeding.

It is ordered that:

1. The request to review order LTB-L-107076-25 issued on May 6, 2026 is denied. The order is confirmed and remains unchanged.

May 22, 2026
Date Issued

Benjamin Seigel
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.